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Attorneys for Defendant Subaru of America, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Cheryl Sauer, individually and on behalf
of all others similarly situated,

Plaintiff;

v.

Subaru of America, Inc,

Defendant.

Civil Action No.
1:18-cv-14933-JHR-AMD

**Defendant Subaru of America,
Inc.'s Notice of Motion to Dismiss
Complaint for Lack of Subject
Matter Jurisdiction and Failure to
State a Claim, and to Strike Prayer
for Punitive Damages
[Fed. R. Civ. P. 12(b)(1), (6), & (f)]**

Motion Day: January 7, 2019

To: Ross H. Schmierer
DeNittis Osefchen Prince, P.C.
525 Route 73 North, Suite 410
Marlton, New Jersey 08053

Attorneys for Plaintiff

PLEASE TAKE NOTICE that, on Monday, January 7, 2019, at 9:30 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendant Subaru of America, Inc., will move before the Honorable Joseph H. Rodriguez, U.S.D.J., at the United States District Court for the District of New Jersey, at the Mitchell H. Cohen U.S. Courthouse, 1 John F. Gerry Plaza, Camden, New Jersey 08101-2797, for an Order dismissing the Complaint against Defendant for lack of subject matter jurisdiction and for failure to state a claim for which relief may be granted under Fed. R. Civ. P. 12(b)(1) and (6), and to strike Plaintiff's prayer for punitive damages pursuant to Fed. R. Civ. P. 12(f).

PLEASE TAKE FURTHER NOTICE that this Notice of Motion is being filed in accordance with L. Civ. R. 7.1.

Defendant shall rely upon the attached Brief and Declarations in support of this Motion.

A Proposed Form of Order is attached.

Respectfully submitted,

Dated: December 3, 2018

s/ Neal Walters

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